



National Aeronautics and
Space Administration
Washington, DC 20546

Procurement Notice

PN 97-72
June 6, 2002

SHIPMENT BY GOVERNMENT BILLS OF LADING

BACKGROUND: As a result of changes made to the transportation regulations under the Federal Management Regulation, Government Bills of Lading (GBL's) can no longer be used for domestic shipments. Rather, Commercial Bills of Lading (CBL's) must be used for domestic shipments if the delivery point is f.o.b. origin. This PN revises the NASA FAR Supplement to comply with the above changes. The clause at 1852.247-73 has been revised to change the title and to specify that when shipments of deliverable items under a contract are f.o.b. origin, Government Bills of Lading (GBL) can only be used to ship international and domestic overseas items; and that all other domestic shipments shall be made via Commercial Bills of Lading (CBL).

ACQUISITIONS AFFECTED BY CHANGES: All solicitations and contracts that specify the f.o.b. point as origin.

ACTION REQUIRED BY CONTRACTING OFFICERS: All solicitations issued after June 6, 2002, must include the revised clause if applicable. Solicitations issued before, June 6, 2002, may be amended to include the revised clauses if including it would not unduly delay the acquisition. Amend existing contracts, which specify use of a GBL for domestic shipments, to incorporate the revised clause.

CLAUSE CHANGES: This PN revises the clause at 1852.247-73 by changing the title of the clause to read "Bills of Lading" and the text of the clause.

PIC CANCELATION: PIC 02-09, F.O.B. – Use of Bills of Lading, is hereby canceled.

PARTS AFFECTED: Changes are made in Parts 1847 and 1852.

REPLACEMENT PAGES: You may use the enclosed pages to replace 47:1, 47:2, 52:3, 52:4, 52:87, 52:88, 52:89, 52:90, 52-97, and 52-98.

TYPE OF RULE AND PUBLICATION DATE: This PN was published as an interim rule in the Federal Register (67 FR 38908 – 28909) on June 6, 2002.

HEADQUARTERS CONTACT: Lou Becker, Code HK, (202) 358-4593, e-mail:
lbecker@hq.nasa.gov.

R. Scott Thompson
Director, Contract Management Division

Enclosures

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TRANSPORTATION**

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**PART 1847
TRANSPORTATION**

**Subpart 1847.2 --Contracts for Transportation or for
Transportation-Related Services**

1847.200 Scope of subpart.

1847.200-70 Charter of aircraft.

When acquiring aircraft by charter, contracting officers shall comply with NPG 7900.3, Aircraft Operations Management.

Subpart 1847.3--Transportation in Supply Contracts

1847.304 Determination of delivery terms.

1847.304-3 Shipments from CONUS for overseas delivery.

1847.304-370 NASA export privilege.

NASA has export licensing privileges for moving commodities to foreign destinations. Contracting officers shall request the advice of the Center Export Administrator to ensure full and appropriate use is made of these privileges.

1847.305 Solicitation provisions, contract clauses, and transportation factors.

1847.305-10 Packing, marking, and consignment instructions.

In contracts providing for delivery f.o.b. origin and shipment under Government bills of lading, consignment instructions may be limited to the mail address of the consignee (receiving activity), provided the contract instructions state: "Shipment other than mail shall be consigned as indicated on the Government bill of lading furnished to the contractor."

1847.305-13 Transit arrangements.

(a)(3)(ii) When the provision at FAR 52.247-56 is used, the solicitation shall state that offers will be evaluated on the basis of the lowest overall cost to the Government, including transportation costs to NASA from point of origin to final destination, taking into account any applicable transit privileges.

1847.305-70 NASA contract clauses.

(a) The contracting officer may insert a clause substantially as stated at 1852.247-72, Advance Notice of Shipment, in solicitations and contracts when the f.o.b. point is destination and special Government assistance is required in the delivery or receipt of the items.

(b) The contracting officer shall insert a clause substantially as stated at 1852.247-73, Bills of Lading, in f.o.b. origin solicitations and contracts.

Subpart 1847.5--Ocean Transportation by U.S.-Flag Vessels

1847.506 Procedures.

(d)(i) The transportation officer in each installation shall establish and maintain a register to reflect adherence to the Cargo Preference Act. The register shall contain data related to shipments made by the installation and by NASA contractors. Where no transportation officer is available, it shall be maintained by the contracting office. The register shall contain pertinent details of ocean shipments including, but not limited to, the ports of origin and destination of shipments, commodity descriptions, gross weight, freight revenue, name of vessel, operator of vessel, and date of loading. The register shall be maintained current and organized so that adherence to the Cargo Preference Act can be ascertained at all times. To the maximum practicable extent, compliance with the 50-percent minimum requirements of the Cargo Preference Act shall be maintained on a quarter-year basis; any deficiencies in maintaining compliance shall be corrected by the end of the calendar year.

(ii) On the basis of the registers maintained under paragraph (d)(i) of this section, the official maintaining the register shall submit quarterly reports reflecting ocean shipments to the Division of

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52:3

1852.232-77	Limitation of Funds (Fixed-Price Contract).
1852.232-79	Payment for On-Site Preparatory Costs.
1852.232-81	Contract Funding.
1852.232-82	Submission of Requests for Progress Payments.
1852.233-70	Protests to NASA.
1852.235-70	Center for AeroSpace Information - Final Scientific and Technical Reports.
1852.235-71	Key Personnel and Facilities.
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1852.236-71	Additive or Deductive Items.
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PART 1852

SOLICITATION PROVISIONS AND CONTRACT CLAUSES

1852.000 Scope of part.

This part, in conjunction with FAR Part 52, (a) sets forth the provisions and clauses prescribed in the NFS, (b) gives instructions for their use, and (c) presents a matrix listing the provisions and clauses applicable to each principal contract type and/or purpose (e.g., fixed-price supply, cost-reimbursement research and development).

Subpart 1852.1--Instructions for Using Provisions and Clauses

1852.101 Using Part 52.

(b)(2)(i)(B) NASA contracting offices prescribing or developing clauses shall ensure that the requirements of Subpart 1801.3 are met.

(e)(1) The NFS matrix in Subpart 1852.3 is formatted similarly to that in the FAR. The first page of the NFS matrix contains a key to column headings, a dollar threshold chart, and requirement symbols. To fully determine the applicability of a provision or clause in the "required-when-applicable" and "optional" categories, Contracting Officers shall refer to the NFS text (cited in the matrix) that prescribes its use.

(4) The NFS matrix may be reproduced by field installations for the purpose of supplementing it with installation-developed provisions and clauses.

1852.103 Identification of provisions and clauses.

(b) Provisions and clauses prescribed by a field installation to satisfy its needs shall be identified as stated in paragraphs (b)(i) and (ii) of this section. Articles, formats, and similar language shall be treated as provisions and clauses for purposes of this section 1852.103.

(i) A provision or clause shall be numbered using a prefix, a base, and a suffix. The prefix shall be an alphabetical abbreviation of the installation name (e.g., ARC, DFRC, GRC, GSFC, JSC, KSC, LARC, MSFC, SSC, or SSPO). The base shall be a numeric value beginning with "52.2," with the next two digits corresponding to the number of the FAR or NFS subject part to which the provision or clause relates. The suffix shall be a hyphen and sequential number

assigned within each part. NASA installations shall use suffix numbers from -90 to -199. For example, the first Johnson Space Center (JSC) provision or clause relating to Part 36 of the FAR **1852.246-71 Government Contract Quality Assurance Functions.**

As prescribed in 1846.470, insert the following clause:

**GOVERNMENT CONTRACT QUALITY ASSURANCE FUNCTIONS
(OCTOBER 1988)**

In accordance with the inspection clause of this contract, the Government intends to perform the following functions at the locations indicated:

Item	Quality Assurance Location	Function
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[Insert the items involving quality assurance, the quality assurance functions, and where the functions will be performed.]

(End of clause)

1852.246-72 Material Inspection and Receiving Report.

As prescribed in 1846.674, insert the following clause:

**MATERIAL INSPECTION AND RECEIVING REPORT
(JUNE 1995)**

(a) At the time of each delivery to the Government under this contract, the Contractor shall furnish a Material Inspection and Receiving Report (DD Form 250 series) prepared in __ [Insert number of copies, including original] copies, an original and __ copies [Insert number of copies].

(b) The Contractor shall prepare the DD Form 250 in accordance with NASA FAR Supplement 1846.672-1. The Contractor shall enclose the copies of the DD Form 250 in the package or seal them in a waterproof envelope, which shall be securely attached to the exterior of the package in the most protected location.

(c) When more than one package is involved in a shipment, the Contractor shall list on the DD Form 250, as additional information, the quantity of packages and the package numbers. The Contractor shall forward the DD Form 250 with the lowest numbered package of the shipment and print the words "CONTAINS DD FORM 250" on the package.

(End of clause)

1852.246-73 Human Space Flight Item.

As prescribed in 1846.370(b), insert the following clause:

**HUMAN SPACE FLIGHT ITEM
(MARCH 1997)**

The Contractor shall include the following statement in all subcontracts and purchase orders placed by it in support of this contract, without exception as to amount or subcontract level:

"FOR USE IN HUMAN SPACE FLIGHT; MATERIALS, MANUFACTURING, AND WORKMANSHIP OF HIGHEST QUALITY STANDARDS ARE ESSENTIAL TO ASTRONAUT SAFETY.

IF YOU ARE ABLE TO SUPPLY THE DESIRED ITEM WITH A HIGHER QUALITY THAN THAT OF THE ITEMS SPECIFIED OR PROPOSED, YOU ARE REQUESTED TO BRING THIS FACT TO THE IMMEDIATE ATTENTION OF THE PURCHASER."

(End of clause)

1852.247-71 Protection of the Florida Manatee.

As prescribed in 1847.7001, insert the following clause:

**PROTECTION OF THE FLORIDA MANATEE
(MARCH 1989)**

(a) Pursuant to the Endangered Species Act of 1973 (Pub. L. 93-205), as amended, and the Marine Mammals Protection Act of 1972 (Pub. L. 92-522), the Florida Manatee (*Trichechus Manatus*) has been designated an endangered species, and the Banana and Indian Rivers within and adjacent to NASA's Kennedy Space Center (KSC) have been designated as a critical habitat of the Florida Manatee.

(b) Contractor personnel involved in vessel operations, dockside work, and selected disassembly functions shall be provided training relative to (1) habits and characteristics of the Florida Manatee, (2) provisions of the applicable laws, (3) personal liability of workers under the laws, and (4) operational restrictions imposed by KSC.

(c) All vessel operations shall be conducted within the posted speed restrictions, and vessels shall be operated at minimum controllable speeds in all KSC waters. Shallow-water operations are prohibited.

(d) Training will be conducted by personnel of the U.S. Fish and Wildlife Service (USFWS). The contractor agrees to cooperate with the USFWS by allowing access at reasonable times and places (including shipboard) to USFWS personnel, and by making available such contractor personnel as are required to have the training. Arrangements for training will be made as follows:

(1) For personnel involved in tug, barge, or marine operations, through the Lockheed Space Operations Contractor, Transportation Coordination Center, Kennedy Space Center, Florida, telephone (407) 867-5330.

(2) For all other personnel, through the Systems Training and Employee Development Branch, Code PM-TNG, telephone (407) 867-2737.

(e) The contractor shall incorporate the provisions of this clause in applicable subcontracts (including vendor deliveries).

(End of clause)

1852.247-72 Advance Notice of Shipment.

As prescribed in 1847.305-70(a), insert the following clause:

**ADVANCE NOTICE OF SHIPMENT
(OCTOBER 1988)**

____ [Insert number of work days] work days prior to shipping item(s) ____ [Insert items to be shipped], the Contractor shall furnish the anticipated shipment date, bill of lading number (if applicable), and carrier identity to _____ [Insert individual(s) to receive notification] and to the Contracting Officer.

(End of clause)

1852.247-73 Bills of Lading.

As prescribed in 1847.305-70(b), insert a clause substantially as follows:

BILLS OF LADING

(JUNE 2002)

The purpose of this clause is to define when a commercial bill of lading or a government bill of lading is to be used when shipments of deliverable items under this contract are f.o.b. origin.

(a) **Commercial Bills of Lading.** All domestic shipments shall be made via commercial bills of lading (CBLs). The Contractor shall prepay domestic transportation charges. The Government shall reimburse the Contractor for these charges if they are added to the invoice as a separate line item supported by the paid freight receipts. If paid receipts in support of the invoice are not obtainable, a statement as described below must be completed, signed by an authorized company representative, and attached to the invoice.

"I certify that the shipments identified below have been made, transportation charges have been paid by (company name), and paid freight or comparable receipts are not obtainable.

Contract or Order Number: _____

Destination: _____".

(b) **Government Bills of Lading.** (1) International (export) and domestic overseas shipments of items deliverable under this contract shall be made by Government bills of lading (GBLs). As used in this clause, "domestic overseas" means non-continental United States, i.e. Hawaii, Commonwealth of Puerto Rico, and possessions of the United States.

(2) At least 15 days before shipment, the Contractor shall request in writing GBLs from: _____ [Insert name, title, and mailing address of designated transportation officer or other official delegated responsibility for GBLs]. If time is limited, requests may be by telephone: _____ [Insert appropriate telephone number]. Requests for GBLs shall include the following information.

- (i) Item identification/ description.
- (ii) Origin and destination.
- (iii) Individual and total weights.
- (iv) Dimensional Weight.
- (v) Dimensions and total cubic footage.
- (vi) Total number of pieces.
- (vii) Total dollar value.
- (viii) Other pertinent data.

(End of clause)

1852.249-72 Termination (Utilities).

As prescribed in 1849.505-70, insert the following clause. The period of 30 days may be varied not to exceed 90 days.

TERMINATION (UTILITIES)

(MARCH 1989)

The Government, at its option, may terminate this contract by giving written notice not less than 30 days in advance of the termination's effective date.

(End of clause)

Subpart 1852.3--Provision and Clause Matrix

1852.300 Scope of subpart.

The matrix in this subpart contains a column for each principal type and/or purpose of contract. See the first page of the matrix for the key to column headings, the dollar threshold chart, and requirement symbols.

